

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**MSJ REX HOLDINGS, LLC d/b/a)
SHELL FOOD MART,)**

Plaintiff,)

v.)

**NATIONWIDE MUTUAL)
INSURANCE COMPANY,)**

Defendant.)

CIVIL ACTION FILE NO.

NOTICE OF REMOVAL

Defendant Nationwide Mutual Insurance Company (“Nationwide”) hereby removes this action from the State Court of Gwinnett County, Georgia, and states as follows:

1.

This civil action was filed on March 9, 2020 in the State Court of Gwinnett County, Georgia under the caption *MSJ Rex Holdings, LLC d/b/a Shell Food Mart v. Nationwide Mutual Insurance Company*, Civil Action No. 20-C-01686-S1 (the “State Court Action”). It was served on Nationwide’s registered agent on March 13, 2020. (Exhibit A, attached.) This notice is filed timely within 30 days as allowed by 28 U.S.C. § 1446(b).

2.

For purposes of federal court jurisdiction, Plaintiff MSJ Rex Holdings, LLC is a citizen of Georgia, where its members are citizens.

3.

Nationwide is a citizen of Ohio, where it is incorporated and has its principal place of business.

4.

Plaintiff in the State Court Action seeks insurance proceeds in excess of \$75,000, exclusive of costs and interest. More specifically, Plaintiff seeks at least \$284,568 for alleged storm damage to a building under a policy issued by Nationwide, in addition to other relief. (Ex. A, Compl. ¶¶ 6, 9, 16, 47.)

5.

The State Court Action is removable pursuant to 28 U.S.C. § 1441 because the United States District Court has original jurisdiction over this case by reason of diversity of citizenship pursuant to 28 U.S.C. § 1332(a).

6.

Pursuant to 28 U.S.C. §1446(a), this Court is the United States District Court for the district and division embracing the place where the State Court Action is pending and is the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

7.

Pursuant to 28 U.S.C. §1446(a), a copy of all process, pleadings, and orders served on Nationwide is attached hereto as Exhibit A. Nationwide reserves the right to assert all defenses available to it.

8.

Nationwide will file a copy of this Notice of Removal with the Clerk of the State Court of Gwinnett County and give prompt written notice of the filing of this Notice of Removal to counsel of record for Plaintiff as required by 28 U.S.C. § 1446(d). (Exhibit B, attached).

9.

WHEREFORE, Nationwide removes this matter to this Court.

FREEMAN MATHIS & GARY, LLP

/s/ Philip W. Savrin

Philip W. Savrin
Georgia Bar No. 627836
psavrin@fmglaw.com
Jessica C. Samford
Georgia Bar No. 231518
jsamford@fmglaw.com

Counsel for Nationwide

100 Galleria Parkway
Suite 1600
Atlanta, Georgia 30339-5948
T: 770.818.0000
F: 770.937.9960

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing **NOTICE OF REMOVAL** by depositing a true and correct copy thereof in the United States mail, postage prepaid, properly addressed, and electronically filed the same with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing, to the following attorneys of record:

J. Remington Huggins
Michael D. Turner
The Huggins Law Firm, LLC
110 Norcross Street
Roswell, GA 30075

This 9th day of April, 2020.

/s/ Philip W. Savrin

Philip W. Savrin
Georgia Bar No. 627836
psavrin@fmglaw.com
Jessica C. Samford
Georgia Bar No. 231518
jsamford@fmglaw.com

Counsel for Nationwide

FREEMAN MATHIS & GARY, LLP
100 Galleria Parkway
Suite 1600
Atlanta, Georgia 30339-5948
T: 770.818.0000
F: 770.937.9960